

R7-2-205. Certification Review, Suspension, and Revocation

A. ~~The Professional Practices Advisory Committees~~ (“Committees”) shall act in an advisory capacity to the State Board of Education (“Board”) in regard to certification or recertification, unfitness to teach, and revocation, suspension, or surrender of certificates.

B. ~~The Committees~~ shall each consist of seven members comprised of the following:

1. One elementary classroom teacher,
2. One secondary classroom teacher,
3. One principal,
4. One superintendent or assistant/associate superintendent,
5. Two lay members, one lay member who shall be a parent of a student currently attending public school in Arizona, and
6. One local Governing Board member.

C. ~~Selection of m~~Members of the Committee appointed pursuant to subsections B(1), (2), (3) and (4) of this rule, ~~except for lay members, shall be from highly competent educators who shall~~ meet at least the following requirements:

1. Certified to teach in Arizona ~~(except the local Governing Board member).~~
2. Currently employed in or retired from the education profession in the specific category of their appointment.
3. If currently employed, shall have been employed in this category for the three years immediately preceding their appointment.

D. ~~Appointment to the Committee from the specific categories will be recommended to the entire Board by a three-member subcommittee appointed by the President of the Board.~~

E~~D~~. Terms of the members

1. All regular terms shall be for four years except as set forth in subsection (~~F~~E) below.
2. A member may be reappointed with Board approval.

F~~E~~. The Board may remove any member from the Committee. All vacancies shall be filled as prescribed in subsections (C) ~~and (D)~~ above, and those persons appointed to fill vacancies shall serve to complete the term of the person replaced.

G~~F~~. The Committee shall:

1. Select from its members a Chairman, and Vice-Chairman, ~~and Secretary.~~
2. Establish procedures for conducting business according to Robert's Rules of Order Revised. A quorum shall be a majority of members of the Committee. A quorum is necessary to conduct business. An affirmative vote of the majority of the members present is needed to take action.
3. Hold meetings as needed to conduct hearings or other Committee business by call of the Chairman of the Committee. If the Chairman neglects or declines to call a meeting, then a majority of the Committee may call a meeting. The Board may call a meeting as required to conduct necessary business. Notice of any meeting shall be given to Committee members seven days prior to the meeting.
4. Recommend the removal of any member who is absent from three consecutive meetings.
5. Refer to R7-2-1308 ~~the Code of Ethics of the American Association of School Administrators and the National Education Association~~ to assist in determining whether the acts complained of constitute unprofessional conduct.
6. Conduct its business pursuant to R7-2-1301 et seq. and hearings pursuant to R7-2-701 et seq.

R7-2-701. Definitions

In this Article, unless the context otherwise specifies:

1. "Board" means the State Board of Education.
2. "Chairman" means the chairperson of the Professional Practices Advisory Committee, established pursuant to R7-2-205.
3. "Contested case" means any proceeding in which the legal rights, duties or privileges of a party are required by law to be determined by the State Board of Education after an opportunity for hearing.
4. "Department" means the Department of Education.
5. "Hearing body" means the Board or the Professional Practices Advisory Committee.
6. "Party" means each person or agency named or admitted as a party or properly seeking and entitled as of right to be admitted as a party.
7. "Person" means an individual, partnership, corporation, association, governmental subdivision or unit of a governmental subdivision, a public or private organization of any character, or another agency.

8. "PPAC" means the Professional Practices Advisory Committee, established pursuant to R7-2-205 to conduct hearings related to certification or recertification matters regarding immoral conduct, unprofessional conduct, unfitness to teach and revocation, suspension or surrender of certificates.
9. "Pupil" means any student enrolled in an Arizona public or private school. "Pupil" also means any student who was enrolled in an Arizona public or private school at the time of the events which are the subject of a proceeding and who is still of minor age.
10. "Victim" means any person who has been previously identified pursuant to state law as a victim in a criminal proceeding which is the basis for a contested case.

R7-2-703. Contested cases; notice; hearing records

- A. In a contested case, the parties shall be afforded an opportunity for hearing after reasonable notice. The notice shall be given at least 20 days prior to the date set for the hearing.
- B. The notice shall include:
 1. A statement of the time, place and nature of the hearing.
 2. A statement of the legal authority and jurisdiction under which the hearing is to be held.
 3. A reference to the particular sections of the statutes and rules involved.
 4. A short and plain statement of the matters asserted. If a party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter upon application a more definite and detailed statement shall be furnished.
- C. A reasonable effort shall be made to notify a victim of the time, place and nature of the hearing, and that the victim may submit a victim impact statement to be included as part of the record in a contested case.
- ED. Opportunity shall be afforded all parties to respond and present evidence and argument on the issues involved.
- DE. The Board may dispose of any contested case by decision or approved stipulation, agreed settlement, consent agreement or by default.
- EF. A hearing before a hearing body in a contested case or any part thereof shall be recorded manually or by a recording device and shall be transcribed on request of any party, unless otherwise provided by law. The cost of such transcript shall be paid by the party making the request, unless otherwise provided by law or unless assessment of the cost is waived by the Board.

FG. The hearing body may reschedule the hearing, maintaining due regard for the interests of justice and the orderly and prompt conduct of the proceedings.

GH. The record in a contested case shall include:

1. All pleadings, motions and interlocutory rulings.
2. Evidence received or considered.
3. A statement of matters officially noticed.
4. Objections and offers of proof and rulings thereon.
5. Proposed findings of fact and conclusions of law and exceptions thereto.
6. Any decision, opinion, recommendation or report of the hearing body.
7. All staff memoranda, other than privileged communications, or data submitted to the hearing body in connection with its consideration of the case.
8. A victim impact statement, if submitted by the victim.

HI. Findings of fact shall be based exclusively on the evidence and on matters officially noticed.